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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,881	07/31/2003	Wai Kai Wong	9046/20	1813

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EXAMINER

LEE, GUYOUNG

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/631,881	WONG ET AL.	
	Examiner	Art Unit	
	Guiyoung Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0404 and 1204</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 20, 24, 30 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Roy (US 5,457,900) cited by applicant.

3. Re claims 1-2, 7-8, 10-11, 13-15, 17-21, 23-25, 27-32, 34-39, 41-42 and 44: Roy discloses the claimed flashing light system on a foot wear and the method of displaying a message by the flashing light system comprising a controller (16 in Fig. 7); a battery power source (20) connected to the controller; an inertia or motion switch (22 and col. 3, lines 16-18) connected to at least one of the power source and the controller; a first plurality of LEDS (15 of the alphanumeric "H" in Fig. 4B) connected to the controller, wherein the switch and the controller activate the first plurality of LEDS to display an alphanumeric character by flashing the LEDS in a sequence (col. 2, lines 55-65); and a second plurality of LEDS (15 of the alphanumeric "I" in Fig. 4B) connected to the controller, wherein the switch and the controller activate the second plurality of LEDS to display at least one pattern.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 9, 33, 40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claims 1, 30 and 38 above, and further in view of Garner (US 5,903,103) cited by applicant.

Re claims 3-5, 9, 33, 40 and 43: Roy does not disclose at least two NAND circuits. However, Garner teaches the at least two NAND circuits (81A-C in Fig. 7E) producing a high frequency and a low frequency (col. 9, lines 33+), and the NAND circuit is connected to the controller. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Roy's control circuit to have Garner's NAND circuit in order to control the display of flashing the plurality of LEDs at the particular frequency.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claim 1 above, and further in view of Raskas et al. (US 5,615,111).

Re claim 6: Roy does not disclose that the controller is a CMOS controller. However, Raskas teaches the CMOS controller (col. 3, line 33). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute Raskas' CMOS controller with Roy's controller in order to various functions of the flashing light system.

7. Claims 12, 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claims 1 and 24 above, and further in view of Wei (US 6,525,87 B2) cited by applicant.

Re claims 12, 16 and 26: Roy does not disclose two different batteries and wherein at least one of the first and second pluralities of LEDs is connected to two different voltages in sequence.

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However, Wei teaches two different batteries (V1 and V2 in Fig. 3) and wherein at least one of the first and second pluralities of LEDs (41-43) is connected to two different voltages in sequence. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Roy's battery system to have two battery system as taught by Wei in order to provide two different driving voltages to the plurality of LEDs.

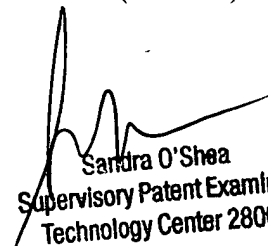
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY


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